

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESSE LEE SHAVERS, JR.,

No. C 12-02071 YGR (PR)

Petitioner,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

vs.

STEPHEN L. ROSEN,

Respondent.

Petitioner, a state prisoner filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner also filed an *in forma pauperis* (IFP) application; however, he did not file copies of the Certificate of Funds and prisoner trust account statement.

In an Order dated June 13, 2012, after conducting a preliminary review of the petition, the Court found the record did not contain enough information to permit it to ascertain whether Petitioner's claims were exhausted for purposes of federal habeas corpus review. The Court dismissed the petition and granted Petitioner twenty-eight days to file an amended petition clarifying the nature and exhaustion status of all claims which he raised in his federal petition, or to suffer dismissal of the petition without prejudice.

In its June 13, 2012 Order, the Court also determined that it could not conduct a full initial review of this matter until Petitioner had either paid the filing fee or filed a completed IFP application with the requisite documents. The Court granted Petitioner twenty-eight days to do so. Petitioner was informed that the failure to pay the filing fee or file the requisite documents within the twenty-eight-day deadline shall result in dismissal of this action.

More than twenty-eight days have passed, and Petitioner has not filed an amended petition. Neither has he paid the filing fee nor filed the requisite documents.

IT IS HEREBY ORDERED THAT this action is DISMISSED WITHOUT PREJUDICE. Petitioner's IFP application is DENIED as incomplete. The Clerk of the Court shall enter judgment, terminate all pending motions, and close the file.

1 This Order terminates Docket no. 6.

2 IT IS SO ORDERED.

3 DATED: July 17, 2012


4 **YVONNE GONZALEZ ROGERS**
5 **UNITED STATES DISTRICT COURT JUDGE**

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